

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY
LITIGATION

This relates to all cases

MDL No. 3:16-md-02738

**[PROPOSED] ORDER
REGARDING CMO 9
NOTICES**

THIS MATTER, having been brought before the Court by the filing of notices of inability to substitute a party plaintiff pursuant to Case Management Order No. 9 and Defendants Johnson & Johnson and LLT Management, Inc., f/k/a LTL Management, Inc. (“Defendants”)’s Omnibus Response to those notices; and the Court having considered the papers and any opposition thereto; and having considered the arguments of counsel, if any; and for good cause shown;

IT IS on this _____ day of _____, 2024, **ORDERED** as follows:

1. All notices of inability to substitute the party plaintiff filed by plaintiffs pursuant to Case Management Order 9 are hereby deemed to be notices of death for purposes of Fed. R. Civ. P. 25.
2. All cases to which Case Management Order No. 9 applies (i.e., those in which the plaintiff was deceased as of September 1, 2023) shall either move to substitute a proper plaintiff or file an amended complaint pursuant to Paragraph 1 of the Court's October 10, 2023 Order Governing Amendments to Complaints (ECF 28519) no later than May 28, 2024.
3. If the deadline imposed in Paragraph 2 above cannot be met in an individual case, counsel for plaintiff shall file and serve a notice, no later than May 28, 2024, titled "Notice of Inability to Substitute" that explains the reasons for the inability and includes at least the following information:
 - The date of the named plaintiff's death;
 - One or more of the following:
 - The date on which an estate was opened;

- The estimated date on which an estate will be opened, with an explanation of why no estate has yet been opened and the name of any probate attorney that is assisting in the process;
- An explanation, with citation to legal authority, explaining why no estate need be opened in order for a substitute plaintiff to prosecute the action;
- One of the following:
 - The name of the person who will be substituted into the action;
 - An explanation as to why no such person can be named and what attempts have been made to identify such a person;
- One of the following:
 - A representation that a substitution will be made no later than August 26, 2024 (i.e., 90 days after the May 28, 2024 deadline);

- An explanation as to why no such representation can be made.
4. Cases that fail to comply with either the deadline in Paragraph 2 above or the notice requirements in Paragraph 3 above shall be dismissed with prejudice.

Hon. Rukhsanah L. Singh
U.S. Magistrate Judge